

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARGARET H. WITT,)	
)	
Plaintiff,)	
)	
vs.)	NO. C06-5195RBL
)	
UNITED STATES DEPARTMENT OF)	
THE AIR FORCE, et al.,)	
)	
Defendants.)	

Deposition for Perpetuation of Testimony

LT. COL. THOMAS HANSEN

August 27, 2010
9:30 a.m. to 11:30 a.m.
400 S.W. 43rd Street
Renton, Washington

APPEARANCES

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1 I N D E X

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3 EXAMINATION BY: DIRECT CROSS

4 MR. LOBSENZ 4

5 MR. DIEDERICH 75

6

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8 EXHIBIT NO,: MARKED OFFERED

9 1. MAY, 2002, OPR REPORT FOR MARGARET WITT 31 34

10 2. MAY, 2003, OPR REPORT FOR MARGARET WITT 35 36, 42

11 3. MAY, 2004, OPR REPORT FOR MARGARET WITT 42 43

12 4. JULY, 2006, OPR REPORT FOR MARGARET WITT 49 51

13 5. 446th AEROMEDICAL EVACUATION SQUADRON
14 ORGANIZATION CHART 78

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1 LT. COL. THOMAS HANSEN,
2 Having been called as a witness and having been first duly
3 sworn, testified under oath as follows:

4 MR. LOBSENZ: Good Morning, Col. Hansen. My
5 name is Jim Lobsenz, Counsel for Margaret Witt.
6 Mr. Diederich is present as counsel for the defendants,
7 and did you want to put anything on the record, Bryan,
8 about our agreement about objections?

9 MR. DIEDERICH: Sure. Why don't we do that? I
10 spoke with Mr. Lobsenz before the deposition, and we
11 agreed that though there's some perhaps ambiguity with
12 respect to the rules that apply in a deposition like
13 this that I will go ahead and make trial objections now
14 during the testimony.

15 MR. LOBSENZ: Okay, thanks.

16 DIRECT EXAMINATION

17 BY MR. LOBSENZ:

18 Q All right. Sir, could you give your full name and
19 spell your last name.

20 A Thomas M. Hansen, H-A-N-S-E-N.

21 Q And what is your current rank in the United States Air
22 Force?

23 A Lieutenant Colonel.

24 Q Could you give the reporter a current address?

25 A 3702 Edwards, E-D-W-A-R-D-S, Drive, Gig Harbor,

1 **Washington, 98335.**

2 Q Are you married, sir?

3 A **Yes.**

4 Q How long have you been married?

5 A **35 years.**

6 Q Are you a member of the Armed Forces of the United
7 States?

8 A **Yes.**

9 Q Which branch?

10 A **United States Air Force.**

11 Q And is that Active or Reserve?

12 A **Currently Reserve, Active Duty as of Monday, the 30th**
13 **of August.**

14 Q Okay. What unit are you currently assigned to?

15 A **446 Air-Medical Evacuation Squadron.**

16 Q What's the home base of that unit?

17 A **McChord Field, Joint Base Lewis-McChord.**

18 Q Col. Hansen, are you available to testify in this case
19 at the U.S. Courthouse in Tacoma on September 13?

20 A **No, sir.**

21 Q Why is that?

22 A **I will be deployed at that time. I will be in**
23 **Afghanistan.**

24 Q Okay, and when do you leave?

25 A **Currently, leaving the west coast on the 2nd of**

1 **September.**

2 Q Okay. In a very general sense, what type of duties
3 will you be performing when you are on your deployment?

4 A I'm a flight nurse providing in-flight care to wounded
5 or ill service members or designees such as NATO
6 troops, State Department officials, whatever qualifies
7 for evacuation by Air Force unit.

8 Q Okay. I'd like to ask you to take us through your
9 military employment career history so I'll ask, first,
10 when did you first join one of the military services of
11 the United States?

12 A I joined the United States Army in 1975. I was
13 actually on delayed enlistment from late 1974. I don't
14 know the exact date. Started basic training in May of
15 1975.

16 Q Okay. How many years did you serve in the Army?

17 A Three years active duty in the Army enlisted.

18 Q Okay, and so that's 1975 to 1978?

19 A Correct.

20 Q What kinds of duty assignments did you have during
21 those three years?

22 A I was the civilian equivalent of an LPN, Licensed
23 Practical Nurse. After training at Fort Gordon,
24 Georgia, I went to Walter Reed Army Medical Center
25 where I served until the end of my enlistment.

1 Q Okay, so prior to commencing your enlistment --

2 A Mm-hmm.

3 Q -- were you previously employed in the civilian sector
4 tore as a nurse?

5 A I was an orderly or what you might call now a nurse's
6 aid in a hospital in a town that I lived in.

7 Q And that was where?

8 A Yankton, Y-A-N-K-T-O-N, South Dakota.

9 Q Okay. Now, when you went to Walter Reed Medical
10 Center, what were your duties there for the three years
11 you were there?

12 A I was there for about less than three years. I spent
13 the first part of my enlistment in schools, totaling
14 about over a year total. The first period of time, and
15 I can't nail it down specifically, roughly 11 months, I
16 worked as what was known in the Army as a 901C, 901
17 Charlie, on a neurosurgical intensive care ward, and
18 then I finished there working on the VIP unit.

19 Q And when you finished at Walter Reed, was there a
20 subsequent duty assignment?

21 A No, that was the end of my military service.

22 Q That was the --

23 A I then started college. I went into the military
24 initially to get my GI Bill so I could go to college.

25 Q Okay, so then you left the Army in 1978 and went to

1 college?

2 **A Correct.**

3 **Q** Okay. When you were discharged from the hospital, what
4 was your rank at the time of discharge?

5 **A Specialist Fifth Class.**

6 **Q** And after that time, did you subsequently enter the
7 Armed Forces again?

8 **A I began the commissioning process in October of 1979,**
9 **was commissioned in May of 1990 as a First Lieutenant**
10 **in the U.S. Army.**

11 **Q** Okay.

12 **A Reserve officer.**

13 **Q** So in between from 1978 to 1990, in general, what type
14 of civilian employment did you pursue?

15 **A I worked in hospitals in South Dakota. Subsequent to**
16 **that in Alaska. Then I was accepted at graduate school**
17 **at the University of Washington, completed a Master's**
18 **program there, taught two years at Seattle University,**
19 **and also at the same time was working in local**
20 **hospitals.**

21 **Q** What was the degree that you obtained from the
22 University of Washington?

23 **A A Master's of Nursing in parent/child nursing.**

24 **Q** What was the subject you taught at Seattle University?

25 **A OB nursing. Obstetrical nursing.**

1 Q You said that when you were commissioned in the Air
2 Force, you were commissioned as a First Lieutenant?

3 A Correct.

4 Q Is there a reason why you skipped Second lieutenant?

5 A It was constructive credit for my graduate degree, as
6 well as the number of years that I had been a nurse.

7 Q And when you were commissioned in the Air Force, was
8 that Active or Reserve in 1990?

9 A The Air Force, I was transferred to in 1994.

10 Q I'm sorry. I'm sorry. When you were commissioned in
11 the Army in 1990, was that Active or Reserve?

12 A It's a Reserve commission.

13 Q So then when you joined the Reserve in 1990, did you
14 maintain civilian employment then?

15 A Yes.

16 Q Is that the same civilian employment you have today or
17 not?

18 A No, I have had a number of jobs since then. In 1990,
19 I'm not even sure I can tell you exactly what I was
20 doing, where I was working.

21 Q Okay. What is your -- I take it you are leaving your
22 civilian employment for this deployment coming up?

23 A Correct.

24 Q What is your civilian employment today?

25 A I'm a family nurse practitioner doing primary care for

1 Harrison Medical Center in Bremerton, an out-patient
2 office that they have in Port Orchard, Washington.

3 Q Okay, so to return to 1990 when you were commissioned
4 in the Army, what was your first duty assignment then?

5 A The 50th General Hospital.

6 Q And where was that? Where was the home base of the
7 50th General?

8 A We would drill at Seattle Veterans Administration
9 Hospital, Seattle V.A.

10 Q Okay, and were you deployed after being commissioned in
11 the Army in 1990?

12 A Kuwait was invaded in August of 1990. My unit was
13 activated in roughly September. I'm not sure if it was
14 late August, early September, and then deployed to
15 Saudi Arabia for Operation Desert Shield/Desert Storm.
16 Arrived in Saudi Arabia in December and left roughly
17 mid March.

18 Q Of 1991?

19 A 1991, yes.

20 Q During that deployment, what were your duties?

21 A I was a nurse on a general surgical floor at a hospital
22 called Riyadh Alkar (phonetic), and I'm sure I can't
23 spell it. It was in the City of Riyadh, Saudi Arabia.
24 It was the military hospital there that was essentially
25 given or provided to us for inpatient care if we needed

1 it.

2 Q Okay, and then --

3 A As best I understand. I mean that was way above my pay
4 grade at the time. That's where I worked.

5 Q Okay. When you returned to the United States after
6 that deployment --

7 A Mm-hmm.

8 Q -- what was your next assignment?

9 A The hospital was decommissioned Army-wide. The need
10 for large, 500-bed hospitals in different areas of the
11 world was perceived as unnecessary because of the
12 ability to evacuate patients. Subsequently, I really
13 saw no patient care, albeit aided by fact there were
14 not many casualties in Desert Shield/Desert Storm. So
15 the hospital was decommissioned, and I don't know the
16 correct term, but reopened, or we were assigned to the
17 6250th, and I don't know what the further designation
18 is. 6250th Hospital, for want of a better term.

19 The job or the mission of the 6250th was to
20 provide backfill to Madigan Army Medical Center if
21 Active Duty personnel were deployed. In other words,
22 if a nurse was deployed somewhere from Madigan, they
23 would pull a reservist from the 6250th in to do that
24 person's job while they were deployed.

25 Q And that would be at Fort Lewis then?

1 **A** Correct.

2 **Q** So for how long did you serve with the 6250th at Fort
3 Lewis?

4 **A** Shortly after that occurred -- I don't have an exact
5 time frame, but shortly after that occurred, I really
6 felt that I did not want to have a mission that was --
7 that involved backfilling for someone else to be
8 deployed so I looked for other opportunities and found
9 the AirEvac Squadron at McChord, and I initiated trying
10 to transfer.

11 The Chief Nurse at the 6250th was open to people
12 changing branches of the service, and I talked to the
13 people at then the 40th AirEvac Squadron, and it
14 subsequently became the 446th shortly after I joined
15 and transferred over into the Air Force. I believe in
16 1994. I know I started flying in 1994. The time
17 frames, I don't know exactly.

18 **Q** Would that transfer have been into the Reserve Air
19 Force or Active Air Force?

20 **A** Reserve Air Force.

21 **Q** Was there a particular reason why the 40th, which
22 became the 446th, was a particularly attractive unit
23 for you to join?

24 **A** I liked the mission, and it was close. It was
25 commuting distance.

1 Q And when you say, "liked the mission," you mean what?

2 A Flight nursing, going out and providing care in-flight.

3 Q Roughly how long was it after you transferred that the
4 name of the unit changed from the 40th to the 446th?

5 Was that within a year?

6 A Oh, yes. I think it was literally only within a few
7 months. As a matter of fact, I don't even know that I
8 have a patch, a shoulder patch, you know, to wear on my
9 uniform from the 40th.

10 Q Have you been with the 446th ever since 1994?

11 A Yes, minus deployments when you are attached to other
12 units temporarily.

13 Q Do you remember what your rank was at the time you
14 transferred from the Army Reserve to the Air Force
15 Reserve?

16 A Captain.

17 Q So all told, how many total years of service do you
18 have in the Air Force?

19 A 16.

20 Q And all told, how many total years service in the Army?

21 A Seven.

22 Q So 23 years, total, military service?

23 A Yes.

24 Q And of those 23 years, three years are Active Duty?

25 A Correct, three years are -- plus deployments that are

1 **activations.**

2 Q Plus deployments. And the balance, roughly 20 of the
3 23 years, is Reserve Duty?

4 A **Yes.**

5 Q You mentioned deployment. How many times, if you know,
6 have you been deployed with the 446th.

7 A **Four times.**

8 Q Four times. Do you remember when your first deployment
9 with the 446th was?

10 A **February, 2003, through August, mid August, of 2003.**

11 Q Where were you deployed then?

12 A **We were initially deployed to Mildenhall, England, and
13 then we were running flights on a regular basis into
14 Kuwait and Iraq.**

15 Q Okay, so initially, you say you were deployed to
16 England. Was there another country that you went to as
17 part of that deployment?

18 A **We ended up being based out of Ramstein, Germany,
19 Ramstein Air Base, Germany, after a couple of months.
20 Logistics started to come together, I guess.**

21 Q And the patient population that you were primarily
22 treating there was who?

23 A **Active Duty or Reserve. Military, overwhelmingly. I
24 mean there were some -- and contractors, civilians. We
25 would evacuate civilians, as well, and on rare**

1 occasions, Iraqis that were being -- like I remember
2 taking an Iraqi child that some stateside hospital had
3 arranged a particularly difficult surgery for, and the
4 government was facilitating his evacuation.

5 Q Now, do you happen to remember what units you were
6 attached to as a part of the deployment to Ramstein?

7 A The first time the 491st EAES.

8 Q Pardon me?

9 A Expeditionary Air Evacuation Squadron, EAES.

10 Q The 491st?

11 A Correct.

12 Q Do you happen to know where the home base of the 491st
13 was?

14 A I believe it was Ramstein Air Base.

15 Q Okay. How long was that deployment for you?

16 A Mid August, so February through mid August. Early --
17 early to mid August of '03.

18 Q So about six months?

19 A Five-and-a-half, six months, sure.

20 Q Okay. What was your next deployment in your career?

21 A They had one month deployments for a short period of
22 time so I went back from mid October to mid November of
23 '03, as well.

24 Q And that's back to the same Ramstein Air Force Base?

25 A Ramstein Air Base, yes.

1 Q So the same duties?

2 A Same duties, yes.

3 Q And attached to the same unit, the for 491st?

4 A I think the name had changed at that point, and I want
5 to say it was the -- I'm not absolutely sure, 7721st.
6 I'm not absolutely sure.

7 Q But whatever the number was --

8 A Correct.

9 Q -- it was actually the same unit --

10 A Correct.

11 Q -- with the number changed?

12 A Correct.

13 Q So that was about a one month deployment?

14 A Correct.

15 Q When was your third deployment with the 446th?

16 A April/May time frame of 2005, again to Ramstein Air
17 Base for four months.

18 Q April of 2005, Ramstein for four months, and are you,
19 again, attached to the same unit or a different unit?

20 A I think it was the same unit designator at that time.
21 It was the same. I mean, the same base, same
22 everything. I'm not -- I'm not sure why numbers are
23 redesignated periodically.

24 Q And are your duties generally the same during this
25 deployment in '05 as they were for the deployments in

1 '03?

2 **A Correct.**

3 **Q Then when was your fourth deployment?**

4 **A In January of '06 for about 60 days.**

5 **Q And where were you deployed then?**

6 **A Al Udeid Air Base in Qatar, Q-A-T-A-R.**

7 **Q And what units were you attached to in Qatar?**

8 **A I'm not sure.**

9 **Q Don't recall?**

10 **A 355th, 354th. I'd have to look it up to tell you.**

11 **I've got the patch, but that was a long time ago.**

12 **Q Is that an air evacuation medical squadron, as well?**

13 **A It was.**

14 **Q And do you happen to know the home base of that**
15 **squadron, regardless of what the number was?**

16 **A Al Udeid Air Base.**

17 **Q So it's home base was in Qatar?**

18 **A Correct. It was also an expeditionary air wing**
19 **air-evac squadron.**

20 **Q What kind of duty did you perform there in Qatar?**

21 **A That was crew management primarily. The ground support**
22 **of the flyers, primarily.**

23 **Q And just to explain that a little further, the flyers**
24 **are flying in and out of Qatar from generally**
25 **where?**

1 **A** Mostly -- mostly we have flight crews based there that
2 flew into Iraq primarily, but we also supported crews
3 that flew patients in from Afghanistan, and we also had
4 crews based in the horn of Africa and Djibouti that we
5 also supported.

6 **Q** And so those flights are transporting patients from
7 those mid east theaters to Qatar for treatment?

8 **A** Correct. There would -- sometimes to Qatar, because we
9 had a small hospital there that had some capabilities,
10 but as often, it was flying different areas in Iraq to
11 deliver patients to Balad for further evacuations to
12 Ramstein Air Base, Germany.

13 **Q** What was what name?

14 **A** Balad.

15 **Q** How do you spell that?

16 **A** B-A-L-A-D. Balad Air Base, Iraq. It's about 50 -- 50
17 miles, I want to say, from Baghdad.

18 **Q** You said your job was essentially crew management?

19 **A** Correct.

20 **Q** Could you explain for the court what crew management
21 is?

22 **A** We would have -- we would support the crews by managing
23 their schedules so that they got the proper rest
24 cycles. Provide their support to go get that
25 equipment. We would help them load equipment on the

1 aircraft or take equipment off the aircraft. We would
2 recover them after flights to get them and their
3 equipment back. We would get their meals if need be,
4 configure -- we had various levels of alert status
5 or -- in other words, how soon we could get a crew and
6 an aircraft off the ground if there was emergent need
7 for care. And we would configure those aircraft so
8 that they were ready to go, set them up like an AirEvac
9 mission because -- the aircraft are not set up for
10 evac. They are set up as cargo planes, and when we do
11 an AirEvac mission, it's not uncommon that you fly a
12 cargo mission, offload your cargo, then set up or
13 configure the aircraft to receive patients so we did a
14 lot of that.

15 Q Okay.

16 A So it was like everything but flying. We did also fly
17 basically on a monthly basis to maintain our skills
18 because we were a resource if one of the flight crew
19 members became ill and needed to be replaced.

20 Q Okay. Now, I'll shift focus back to stateside when you
21 were not deployed.

22 A Mm-hmm.

23 Q During the 16 years, I guess, that you have been with
24 the 446th in the Reserve, roughly how frequently are
25 you going to McChord for Reserve Duty? Is one or two

1 times a month?

2 A Probably minimum. I -- over the years, as I moved up
3 in the management arena, it's more frequent. It's not
4 unusual for me to spend six or eight days a month at
5 McChord.

6 Q Okay. I don't know if it's really possible to describe
7 the entire 16 years in the same way, but could you
8 generally characterize the duties that you remember
9 performing on these Reserve days at McChord over the 16
10 year period?

11 A Well, the majority of the time is spent maintaining all
12 the classes and qualifications that we have to have in
13 order to fly. The rules are the same between the
14 Active Duty and the Reserve so all Reserve component
15 members have to be trained to the same standards. Now,
16 Active Duty has -- that's their job. That's what they
17 do Monday through Friday.

18 We have to squeeze it in when we can as best we
19 can on our drill weekends and other days during the
20 month. Anybody who is a flyer, almost everyone spends
21 more than the drill weekend. They have additional
22 periods of time just to maintain their qualifications,
23 their ability to fly. Then, of course, subsequent to
24 that is, I have had a number of -- you know, you have
25 section duties, as well, that have to be attended to.

1 Q What are they?

2 A Well, it depends on the job. Right now, I am the
3 Flight Commander at Readiness, the Readiness Shop, and
4 our job is to make sure in Readiness that all our
5 members are prepared to deploy. That includes tracking
6 all their requirements, tracking movement, following
7 changes in regulations or needs. It's hard to put it
8 into a nutshell. I guess just saying that our job is
9 to make sure that all our members are ready to deploy.

10 Q Okay. That particular section and duty assignment,
11 Flight Commander for Readiness, is that an assignment
12 that generally provides a deployment or is --

13 A No, that's where I work on a day-to-day basis when I'm
14 at the squadron.

15 Q Okay. Do you know Margaret Witt?

16 A Yes, I do.

17 Q Do you recall when you first met her?

18 A I can't say exactly when she started at the squadron,
19 but I remember meeting her when she first started
20 because she had a different-colored name badge on so I
21 recognized it as being from another unit.

22 Q Okay. I take it, then, you got to the 446th before she
23 got to the 446th?

24 A Yes.

25 Q Okay, and do you have a rough idea of how long you had

1 been there before she arrived? A year or two?

2 **A** **Probably several years.**

3 **Q** Okay. So roughly, have you known her longer than a
4 decade?

5 **A** **I would say yes.**

6 **Q** Okay. Did you work with her?

7 **A** **Yes.**

8 **Q** Could you describe in what ways you have worked with
9 her?

10 **A** **She was also in the Training Section when I worked in**
11 **Training. We certainly flew together on many occasions**
12 **doing training missions, both local, meaning missions**
13 **that begin and end at McChord, and overnight missions,**
14 **perhaps to Hawaii or to Europe.**

15 **Q** I believe I noticed from some documents I saw that you
16 had the job title of Commander of Flight Training for
17 significant portions of time; correct?

18 **A** **Yeah, it's one of the -- one of the senior management**
19 **jobs I've held at the squadron.**

20 **Q** When did you first become Training Flight Commander, if
21 you know? Have you been doing that for more than a
22 decade?

23 **A** **No, I -- I have had multiple jobs. I was -- I know I**
24 **was Flight Commander Training in '03 when we deployed**
25 **because I left right before a big inspection, and it**

1 made my superintendent very anxious.

2 Q Okay, so you've been Flight Commander since at least
3 2003?

4 A Well, I have held numerous jobs. I have held Flight
5 Commander of Training. I've been Chief of Safety.
6 I've been Chief of StanEval, Standards and Evaluations.
7 I've been Assistant Flight Commander of Readiness,
8 Chief of Plans and Exercises and now Flight Commander
9 of Readiness. So those are all, you would have to say,
10 involved in the senior management of the squadron.

11 Q Okay. You explained what Flight Commander in charge of
12 Readiness does. I would like you to just go through
13 some of those other job titles.

14 A Sure, Flight --

15 Q What --

16 A -- Commander for Training. Flight Commander for
17 Training is responsible to see that all new people that
18 come into the squadron, both flight nurses and medical
19 technicians, are trained and qualified to do their --
20 well, trained to do their in-flight care job.

21 Safety. As Chief of Safety, that is just tracking
22 and highlighting your use of safety, both on the
23 aircraft and general safety, like workplace safety.
24 Highlighted areas of problems like the 101 days of
25 summer, which always, you know, you have to talk about

1 motorcycle safety and boating safety. It's just the
2 general umbrella of safety.

3 Chief of Standards and Evaluations, everyone who
4 is a flyer gets what's called a check ride or an
5 evaluation to assure that they are competent to do
6 their in-flight job, and that, I was the Chief of that
7 for a period of time. That's the overall umbrella of
8 what that role compromise -- comprises, not
9 compromises. I think that was the highlight of the
10 other areas.

11 Q Let's see. Do you know when you were promoted to
12 major, roughly?

13 A Let's see. 2006. It would have been about 1999. My
14 best guess.

15 Q All right.

16 A I didn't check any of these dates before I came.

17 Q All right. What I wanted to inquire about is whether
18 there's any rank disparity between you and Major Witt
19 at any time, or were you always of the same rank? Was
20 there a period of time where you were her superior or
21 she was your superior or not?

22 A I don't have strong recollection one way or the other.

23 Q Okay. What about these job titles? Would they have
24 ever put you in the position of being in any way her
25 supervisor?

1 **A** Yes. I think she was in Training at the same time I
2 was.

3 **Q** Chief --

4 **A** The Flight Commander of Training.

5 **Q** So she would have been an assistant in the Training?

6 **A** She was -- the Training has several branches. There's
7 initial training. There's requalification. There's --
8 on the organizational chart -- on the organization
9 chart, there's several branches that fall under that
10 and report back up to the Flight Commander.

11 **Q** Okay. What about when you were Chief of StanEval?
12 Would she in any way have been in the same section
13 there with you at any time as your subordinate?

14 **A** As I recall, when she was removed from the squadron or
15 stopped coming to the squadron, she was Chief of
16 StanEval at that time, and I believe I became Chief of
17 StanEval when she left. I think. That's -- I'm a
18 little fuzzy on that, but I think that's the
19 transition.

20 **Q** Okay.

21 **A** Because I believe I was in Safety at that time. She
22 was Chief of StanEval, and then she was removed as
23 Chief of StanEval, and I moved over to Chief of
24 StanEval.

25 **Q** Okay. Maybe I should just complete. When were you

1 promoted to Lieutenant Colonel?

2 **A December 31st, 2006.**

3 Q Okay. So at the time that Major Witt was suspended
4 from points and pay in November of 2004, were you a
5 major?

6 **A Correct.**

7 Q Are you pursuing promotion to full colonel?

8 **A Yes.**

9 Q Are you on an eligibility list now?

10 **A I am.**

11 Q Okay. Is that something that has a predictable
12 anticipated future date for being pinned as a full
13 Colonel?

14 MR. DIEDERICH: Objection, foundation.

15 Q (By Mr. Lobsenz) Do you know whether or not there is
16 any -- do you have any expectation as to when that
17 might occur?

18 **A It's a competitive -- a very competitive promotion. I**
19 **believe the next Board that I'm eligible for will be a**
20 **bit over a year from now. Perhaps 14, 15 months. I'm**
21 **not exactly sure when the Board will be, but that will**
22 **be, I believe, the first time I'm eligible to go in**
23 **front of the Board for that.**

24 Q Okay. How long have you been on the list?

25 **A Well, when you say, "on the list," I'm not sure that's**

1 an appropriate -- or the correct way to state it.

2 It's -- I will be eligible to be evaluated or put into
3 a -- in front of the Board for my packet to go in front
4 of the Board to be evaluated and possibly promoted.

5 Q In about 15 months, you think?

6 A It's roughly that.

7 Q Okay.

8 A I'm not -- you know, I follow these things to some
9 degree, but I don't follow them particularly closely.

10 Q Okay.

11 A I'm concerned, but I'm not -- I know I'll do what I
12 need to do to prepare myself for it.

13 Q Okay. During the time periods that you were both doing
14 Reserve Duty, you and Major Witt, for the 446th, could
15 you explain other than you have explained that you
16 believe she was in the Training Section for a while
17 when you were chief of it, but how would you work with
18 her on a day-to-day basis during Reserve Duty time?

19 A Well, she would have assignments to complete, and, you
20 know, as one of the people that worked -- that I worked
21 with or that worked for me, I guess, if you want to
22 characterize it that way, it was just a matter of
23 supervising and seeing that work got done.

24 Q Okay. You said you flew missions with her?

25 A Yes.

1 Q What type of missions would they be?

2 A Training missions, missions where we would do simulated
3 patient care, simulated aircraft emergencies. We try
4 to simulate and prepare for things that could actually
5 happen to us when we are on the aircraft flying
6 patients.

7 Q Okay. Are there any specific missions that you flew
8 with her that you can specifically recall?

9 A I remember flying to Hawaii more than once. I remember
10 a long trip, several-day trip, to Europe, I remember we
11 were on because I got -- I think I got an evaluation at
12 that point from her.

13 Q Okay. Are you saying that on that particular flight,
14 she was evaluating you?

15 A I believe at that point, she was the Chief of StanEval.

16 Q And are there other training flights you went on when
17 you were evaluating her?

18 A I don't think so. When -- we have to be specific about
19 evaluation. This is a flight evaluation for competency
20 to do the flight nurse job, and there is a hierarchy of
21 who can perform those evaluations. If you have -- like
22 for instance, I'm a flight evaluator and that's an
23 additional duty in my squadron. There are a number of
24 people that are flight evaluators. Only the Chief of
25 StanEval or one other -- well, within the McChord area,

1 or one other person; the Operations Group Nurse can
2 perform evaluations on evaluators. I can't evaluate
3 another evaluator per se. It has -- there is a
4 hierarchy. So if -- so I would never have given her a
5 flight evaluation because I was never Chief of StanEval
6 while we were there, while we were both in the
7 squadron. As flight evaluation. But now, if she -- at
8 the same time, she can work for me in Training, if you
9 will, or in another capacity, but I couldn't give her a
10 flight evaluation.

11 Q Okay. While you were during these roughly at least a
12 decade apparently, doing Reserve duty and working with
13 her --

14 A Mm-hmm.

15 Q -- did you share a commute with her from time to time?

16 A Yes, her parents live in Gig Harbor, and --

17 Q And you live in Gig Harbor?

18 A Yes, and I live in Gig Harbor, and we would
19 alternate -- frequently alternate who drove on Saturday
20 and who drove on Sunday. The person that drove, the
21 other person bought the latte so . . .

22 Q Okay, so for how many years?

23 A Well, certainly a number of years. I can't give you
24 a -- I'm going to guess, what, five or six, somewhere
25 in there.

1 Q Would it be fair to say that you know Major Witt very
2 well?

3 A I don't think I would characterize it as very well.

4 Q Okay, and why is that?

5 A We didn't -- we were friends in the military, casual
6 friends, certainly could keep a conversation going,
7 talk about mutual interests, military matters, but for
8 instance, I rarely called or we rarely talked during
9 the months it wasn't a UTA or Unit Training Assembly or
10 a Reserve weekend or if we weren't going on a trip
11 together. It just wasn't -- it was more of a casual
12 professional relationship, I would characterize it as.

13 Q Okay. On a professional side of being familiar with
14 her competency as a flight nurse and a flight nurse
15 examiner, would you say that you are very well
16 acquainted with her --

17 A Yes.

18 Q -- competency?

19 MR. DIEDERICH: Objection, assumes facts not in
20 evidence.

21 MR. LOBSENZ: Pardon?

22 MR. DIEDERICH: Assumes facts not in evidence.

23 Q (By Mr. Lobsenz) Did you have occasion to make
24 observations about her competency as a flight nurse?

25 A Yes.

1 Q What would those be?

2 A She was a very competent flight nurse.

3 Q And on what occasions do you have to make those
4 observations?

5 A Well, getting a -- you know, working together as a crew
6 and responding to simulated emergencies, either
7 aircraft or patient emergencies, I was comfortable with
8 her knowledge of how to respond and what to do. And
9 again, as I mentioned earlier, I believe I got a flight
10 evaluation from her, and I was impressed with the
11 quality of the examination, the flight evaluation that
12 I got. And subsequently, I would -- I utilized some of
13 the -- some of the -- oh, how do I want to put this?
14 Some of the -- one of her techniques, I utilized when I
15 was giving flight evaluations after that. I thought it
16 was well -- a good evaluation tool during a flight
17 evaluation.

18 MR. LOBSENZ: Okay. I want to be careful not
19 to talk.

20 (Exhibit No. 1 marked.)

21 (Discussion off the record.)

22 Q (By Mr. Lobsenz) Before I ask you a series of
23 questions about that particular exhibit, in a more
24 general sense, I would like to ask you about Officer
25 Performance Reports.

1 **A Yes.**

2 Q Is there a specific period of time that every officer
3 is required to have an OPR done?

4 **A Correct, yearly.**

5 Q Yearly, and you've served as the rater for Margaret
6 Witt on occasion?

7 **A Yes.**

8 Q And on other occasions, apparently you have served as
9 the additional rater?

10 **A Well, this one shows me as additional rater. I assume**
11 **I served as rater, as well, but I don't have that in**
12 **front of me.**

13 Q Okay. What's the purpose of an OPR?

14 **A It's an evaluation of how a person has performed, given**
15 **their job title, over the previous year.**

16 Q And the one you've been handed marked as Exhibit 1, do
17 you recognize that document?

18 **A Yes, yes.**

19 Q Is that your signature on Page 2 in about the middle of
20 the page?

21 **A Yes, it is.**

22 Q Do you recognize the signature of Kenneth Winslow?

23 **A I do.**

24 Q And who is he?

25 **A He is another flight nurse.**

1 Q Now, for this particular exhibit, he was serving as
2 rater, and you were serving as additional rater;
3 correct?

4 A Yes.

5 Q Could you explain, is there some policy or specific
6 rationale as to who serves as rater and who serves as
7 additional rater?

8 MR. DIEDERICH: Objection, foundation.

9 MR. LOBSENZ: Go ahead.

10 A It follows -- it follows the organizational chart.

11 Q (By Mr. Lobsenz) What do you mean by that?

12 A The chain of command, if you will, to use a military
13 term, or in a civilian environment, it would be the
14 organizational charts where a person has a job, who do
15 they report to, and if there is someone that that
16 person reports to, who is that. So like a wire
17 diagram, for instance.

18 Q And you have personal knowledge of the organizational
19 chart as it existed at the time of this?

20 A I do now.

21 Q And so why, in a nutshell, would Winslow have been the
22 rater at this time and you the additional rater?

23 A He was the Chief of Air Crew Training, which was one
24 branch of Training, and Major Witt would have worked
25 for him in Air Crew Training.

1 Q Okay. Did you rate Major Witt's performance for the
2 period of April, 2001, to April, 2002?

3 A Yes, I did.

4 Q And are those your comments in the box marked Roman
5 Numeral VII on the second page under the title,
6 Additional Rater Overall Assessment?

7 A Yes.

8 Q Was your overall assessment of Major Witt accurate and
9 fair?

10 A I would say so.

11 Q Is there a place on this OPR form for you to indicate
12 whether you concurred with the comments made by the
13 rater at that time, Major Winslow?

14 A Yes.

15 Q And did you indicate your concurrence?

16 A I did.

17 MR. LOBSENZ: Okay. I would offer Exhibit 1
18 in evidence at trial at this time.

19 MR. DIEDERICH: And I'm not sure of the status
20 of the exhibit list at this point, and we're
21 negotiating the objections on a document by document
22 basis so I'll incorporate whatever objection we have
23 stipulated to by the end of the pretrial conference.
24 At this point I assume they will be resolved by the
25 time this is put into evidence.

1 MR. LOBSENZ: I'm not sure about this, but I
2 think that you have already put this document on your
3 list, and we haven't objected to it.

4 MR. DIEDERICH: Yeah, that may be right. I
5 just don't have a photographic recall of what's on the
6 exhibit list right now.

7 MR. LOBSENZ: All right.

8 (Exhibit No. 2 marked.)

9 Q (By Mr. Lobsenz) Okay. The court reporter has handed
10 you what's been marked as Exhibit 2. Do you recognize
11 your signature on the second page in the middle of the
12 page?

13 A Yes, I do.

14 Q And do you recognize Major Winslow's signature above it
15 on the second page?

16 A Yes, I do.

17 Q Do you recognize this document?

18 A Yes, I do.

19 Q Is this the OPR that you participated in completing for
20 Major Witt for the period of April of 2002 to April of
21 2003?

22 A Yes.

23 Q Those are your comments in the box marked Roman Numeral
24 VII, under Additional Rater Overall Assessment?

25 A Yes.

1 Q And again, you concurred with the overall assessment of
2 the rater, Major Winslow?

3 A Yes.

4 Q And again, I'd ask, do you think that it was a fair and
5 accurate assessment that you gave in your comments?

6 A Yes.

7 MR. LOBSENZ: I would offer Exhibit 2 into
8 evidence at this time.

9 Q (By Mr. Lobsenz) Now I'd like to ask you a question
10 about one of the specific comments that you made on
11 this Exhibit No. 2 in Roman VII. I guess the last of
12 three specific comments that you list in Roman VII.
13 I'll read it.

14 Recognized as key participant in overall excellent
15 rating for air crew standardization and evaluation
16 visit.

17 First of all, what is an air crew standardization
18 and evaluation visit?

19 A That's where higher headquarters comes in and evaluates
20 your program to see if it meets their standards.

21 Q When you say, "higher headquarters," is that
22 Headquarters Air Force Reserve in Robins?

23 A Air Force Reserve Command, yes.

24 Q Which is --

25 A Correct.

1 Q -- back in Robins, Georgia?

2 A Correct.

3 Q And how often is such a visit done?

4 A It's a periodic schedule, and I -- we're either
5 preparing for one or having one, and it's on a cycle,
6 and I just don't know the time frame off the top of my
7 head.

8 Q Okay. Exactly -- in this particular visit, what size
9 unit is being evaluated? Is it the squadron or is it
10 larger than the squadron?

11 A The squadron, itself. It's approximately at this time
12 as I recall roughly 120 or so personnel, and that
13 includes all personnel. Administrative support as well
14 as flyers, logisticians, et cetera.

15 Q Did you personally play any particular role in
16 preparing for that standardization and evaluation
17 visit?

18 A I'm sure I did, given the time frame, but I don't have
19 any specific recollection of what I personally did.

20 Q Okay. You have here described Major Witt as a key
21 participant. What do you mean? Why did you say that
22 she was a key participant in this visit?

23 A She would have been entrusted with qualifying
24 personnel. This was at a bit of a transition time.

25 Q What do you mean by that?

1 **A** Well, I'm trying to keep the -- I'm trying to get the
2 time frames correct. It's been a -- I mean, this is a
3 seven, eight year old now document. It would have been
4 written over eight years ago, and I'm trying to
5 remember when we transitioned to the C-17 aircraft from
6 our primary aircraft prior to that, which was the
7 C-141. But as I note Col. Winslow's, or at the time
8 Major Winslow's note that No. 1 item on Roman Numeral
9 VI has OIC of Ground Training ensured rapid
10 qualification of 100 percent of personnel on C-17
11 aircraft, that would have been an important piece of
12 preparing for this evaluation.

13 **Q** Okay.

14 **A** I believe that's likely where that came from, but I
15 don't have absolute recall on that.

16 **Q** Okay. Prior to the C17 being the unit's primary
17 aircraft --

18 **A** Mm-hmm.

19 **Q** -- what was the primary aircraft for the unit?

20 **A** C-141.

21 **Q** To make that transition, what has to happen as far as
22 the qualifications of people in the squadron?

23 **A** Well, people have to demonstrate a knowledge of the
24 working systems on that aircraft, as well as how to
25 take care of patients on that aircraft. I mean, it's

1 like we do not -- I don't want to draw a parallel, per
2 se, but perhaps a working description would be, for
3 instance, flight attendants, as they remind us
4 constantly when we fly now, are there for our safety.
5 They are to be able to assist in emergency, open exits,
6 fight fires, that sort of thing. That's the additional
7 part of our role in addition to patient care is to
8 recognize aircraft emergencies and respond
9 appropriately.

10 Q Okay.

11 A So that's a big part of qualification as a flight nurse
12 to be a flight nurse in the Air Force.

13 Q So each person that -- is this correct? Each person
14 that serves on a flight crew has to be certified for
15 this new plane?

16 A Qualified, yes.

17 Q Qualified, okay.

18 A Yeah. It's in the -- I'm a little fuzzy on the
19 specifics of the definition there. There was an
20 initial period of time when we were certified. There
21 was a period of time when we were certified on multiple
22 aircraft, but now we have transitioned over the last
23 number of years into a universal qualification so that
24 any aircraft, we can fly on any aircraft that's
25 suitable for --

1 Q Okay.

2 A -- transporting patients.

3 Q But apparently, that was not true at this time; is that
4 right?

5 A Well, it said, rapid qualification of 100 percent, so I
6 perhaps used the wrong term when I said, certified.

7 Q Okay.

8 A I'm not -- then you see the next where it says,
9 "Seeking out and maintaining certification on three
10 potential opportune aircraft for AE."

11 Q Mm-hmm?

12 A So there's a period of time where the terms
13 certification and qualification were a little -- they
14 had different meanings.

15 Q Regardless of whether the exact term should have been
16 qualification or certification, what, as Officer in
17 Charge of Ground Training, would have been Major Witt's
18 role in this transition process?

19 A Assuring that squadron personnel were able to -- I
20 mean, bottom line, able to take care of patients and
21 respond appropriately during aircraft emergencies on
22 multiple aircraft. You see the three listed there,
23 C-17, C-130 and C-141 aircraft.

24 Q Now, the rating that Headquarters Reserve gave as a
25 result of this visit was excellent, is that correct, to

1 the squadron?

2 **A To the best of my recollection.**

3 **Q Is that what it means when it says --**

4 **A Overall excellent rating?**

5 **Q - overall excellent?**

6 **A Yeah, I'm sure excellent would have been put into**
7 **quotations, and that would have been appropriate.**

8 **Q That's the highest rating you can get?**

9 **A Well, outstanding. Well, I don't know.**

10 **Q Okay.**

11 **A Different inspections have different ratings schedules,**
12 **ratings.**

13 **Q And it's your judgment that she was a key participant**
14 **in the process of obtaining that excellent rating; is**
15 **that right?**

16 **A That was my judgment.**

17 **Q Okay. I guess you use this word, recognized. Were you**
18 **speaking solely for yourself, or is there some way in**
19 **which others, other officers recognized her as a key**
20 **participant?**

21 **A Well, I don't have specific recollection, but in her**
22 **position as Officer in Charge of Ground Training, the**
23 **person in that position would have been, I believe,**
24 **generally felt by all concerned to be a major player in**
25 **this evaluation.**

1 MR. LOBSENZ: Okay, and I think I've already
2 said it, but if I did not, I would now offer Exhibit 2
3 in evidence.

4 (Exhibit No. 3 marked.)

5 Q (By Mr. Lobsenz) Col. Hansen, you've been handed
6 what's been marked as Exhibit 3. Do you recognize your
7 signature in the middle of Page 2 of that OPR?

8 A Yes, I do.

9 Q Do you recognize, again, Major Winslow's signature as
10 the rater above yours?

11 A Yes, I do.

12 Q Is this OPR in which you participated in rating Major
13 Witt for the period of April, '03, to April, '04?

14 A Yes.

15 Q And those are your comments in the Roman Numeral box
16 VII under Additional Rater Overall Assessment?

17 A Yes.

18 Q And do you believe that your overall assessment of
19 Major Witt on this OPR was accurate and fair?

20 A Yes.

21 Q There is a place on this form to indicate whether you
22 concurred with Major Winslow's comments; correct?

23 A Yes.

24 Q And again, you indicated that you concurred with his
25 comments; correct?

1 **A** **Yes.**

2 MR. LOBSENZ: I would offer Exhibit 3 in
3 evidence at this time.

4 **Q** (By Mr.Lobsenz) Now I would like to ask you about a
5 specific comment you made in Box 7.

6 **A** **Okay.**

7 **Q** You said there in part, "Recognized leader. Submitted
8 by peers and selected by superiors as Officer of the
9 Quarter, spring of 2003."

10 **A** **Yes.**

11 **Q** First of all, would you explain what it is to be --
12 what does it mean to be Officer of the Quarter?

13 **A** **Well, there are multiple ranks. Airman, Senior NCO,**
14 **Officer, Senior Officer, Field Grade Officer. I'm**
15 **not -- I believe those are the four where you try to**
16 **choose an outstanding person within that quarter, and**
17 **then those quarterly award winners go forward to a**
18 **yearly competition for Officer of the Year, for**
19 **instance.**

20 **Q** All right. You also used in there the term, peers, in
21 this phrase, submitted by peers.

22 **A** **Correct.**

23 **Q** So maybe I should ask first, can you explain what the
24 process is for being selected for Officer of the
25 Quarter?

1 **A** Well, within the squadron, there is a call for
2 submission quarterly, you know, usually the month
3 before the selection is made, and bullet statements are
4 forwarded, and the selection is made normally by the
5 Commander. I don't know who -- I've never been part of
6 the -- she's never asked me for my input as far as who
7 to select. I don't know if she does that, for
8 instance, with her -- with other members like her --

9 **Q** Can I stop you for a moment because you are using, she.
10 Are you referring to a particular Commander like Walker
11 or Moore-Harbert, or are you using it in a general way?

12 **A** The last several Commanders we have had have been
13 female so I'm just using, she, because that's what
14 comes to my mind.

15 **Q** Okay, but you weren't using it as a particular one of
16 those?

17 **A** Correct.

18 **Q** So the process is that the Commander selects from
19 submissions made by the squadron in general?

20 **A** Squadron in general; right.

21 **Q** Can anyone in the squadron submit the name of someone?

22 **A** Yes.

23 **Q** So when you say, peers, I think you listed four
24 different positions that you could be --

25 **A** Yeah, I think we have Airman, Senior NCO, Officer, and

1 Field Grade Officer, I believe are the four. It might
2 just be Officer. I don't know. This has changed,
3 perhaps, over time.

4 Q I guess what I'm wondering is can an airman submit the
5 name of an officer or it just officers that submit the
6 names of officers?

7 A I don't know.

8 Q Okay. At this time, spring of 2003 --

9 A Mm-hmm.

10 Q -- you mentioned a bit ago, but I think we were on an
11 earlier exhibit, how many people were in the squadron?

12 A Total?

13 Q Yes. How many people would have been in the squadron,
14 total, in the spring of '03?

15 A To the best of my recollection, approximately 120
16 people.

17 Q And of those 120 people, approximately how many would
18 have been officers?

19 A Probably around, I'm going to say, 40, and that's --
20 that's a best guess. That's not -- I don't know that
21 for a fact.

22 MR. DIEDERICH: I don't want to interrupt your
23 free-flow, but I was just going to ask, Lt. Col.
24 Carnes, are you there?

25 MR. LOBSENZ: Are you there, Col. Carnes?

1 COL. CARNES: Yes.

2 MR. DIEDERICH: Could you maybe put your phone
3 on mute? We're getting some feedback from your
4 keyboard.

5 COL. CARNES: Oh, very well. Sorry about that.

6 Q (By Mr. Lobsenz) So then the Commander in the spring
7 of 2003 would have been Colonel Mary Walker; correct?

8 A Yes.

9 Q So when you say, "selected by superiors," plural,
10 there, just who are you referring to when you say,
11 "selected by superiors"?

12 A My -- I believe it's the Commander's final decision,
13 but I, again, have never been privy to the selection so
14 I don't know the exactitude of that. Let me digress a
15 moment here. Let me step back a moment.

16 Q Mm-hmm.

17 A I have on a couple of occasions I recall been in the
18 management meeting and have given input to various
19 candidates. I don't recall that being a regular thing,
20 but I do recall on at least a couple of occasions. And
21 I have no recollection -- as a matter of fact, it would
22 not have been during that period because I was not
23 around much during that period.

24 Q Okay. You just referred to, I think, a management
25 meeting?

1 **A** **Mm-hmm.**

2 **Q** Is there a subset of officers that serve on something
3 called the Executive Board or Executive Committee or
4 something?

5 **A** **Yes.**

6 **Q** What is the proper name?

7 **A** **Executive Management Committee.**

8 **Q** Okay. Did you serve on that Board from time to time?

9 **A** **Yes.**

10 **Q** Are you on it now?

11 **A** **Yes.**

12 **Q** How long have you been on it?

13 **A** **Since being named Readiness Flight Commander.**

14 **Q** Okay, that would be since when?

15 **A** **I'm going to say a little over a year now the most**
16 **recent assignment.**

17 **Q** Okay. Have you been on -- are there different multiple
18 times you have been on the committee --

19 **A** **Yes.**

20 **Q** -- or only one? So prior to your most recent time,
21 being on the committee --

22 **A** **When I was Flight Commander of Training, I would have**
23 **been on it.**

24 **Q** When would that have been?

25 **A** **In '02/'03. '01, perhaps.**

1 Q Okay. Do you know how many times you have served on
2 the committee?

3 A Generally, the Chief of StanEval is also on it.

4 Q Okay.

5 A I don't know that there -- I think the committee
6 make-up is somewhat fluid.

7 Q Okay. Do you know whether you served on the Executive
8 Management Committee at the same time as Major Witt?

9 A I don't think so because -- and I just don't think so.
10 I don't know for a fact, but I don't believe as the
11 Person in Charge of Patient Safety, which would have
12 been my job when she was Chief of StanEval, that person
13 is not usually a board or committee member.

14 Q Okay. If I have this right, you know that you have
15 been on it a number of times?

16 A Yes.

17 Q And you know that she's been on it at least when she
18 was Chief of StanEval?

19 A I believe so.

20 Q But you don't believe you ever were on it at the same
21 time?

22 A I don't think so. I just -- I have no clear
23 recollection of that.

24 MR. LOBSENZ: Okay.

25 (Exhibit No. 4 marked.)

1 Q (By Mr. Lobsenz) The court reporter has handed you
2 what's been marked as Exhibit 4. Do you recognize your
3 signature on Page 2 in the block for rater?

4 A Yes.

5 Q Do you recognize Lt. Col. Janette Moore-Harbert's
6 signature in the box for additional rater?

7 A Yes.

8 Q Is this the OPR for Margaret Witt that you participated
9 in for the period of evaluating her from April of '04
10 to April of '05?

11 A I did somewhat. The process was a little strange in
12 that after she was removed or whatever term you want to
13 use, I moved over into the Chief of StanEval slot,
14 which had been her slot. She had to have an OPR
15 written, and it fell to me to write it.

16 Q Okay. In all of the prior exhibits that I've shown
17 you, 1 through 3, you were the additional rater. Here
18 you are rater?

19 A Yes.

20 Q Is that because you are now Chief of StanEval?

21 A Yes.

22 Q Okay.

23 A Well, and -- Yeah. I'm a little unclear. It fell to
24 me to write this as the Chief of StanEval after she was
25 removed from being Chief of StanEval.

1 Q Okay. Will you look at the date that you actually
2 signed this OPR?

3 A Yes.

4 Q It's July of '06; correct?

5 A Yes.

6 Q That is more than a year after the end of the OPR
7 period?

8 A Yes.

9 Q And given that she was suspended from participation in
10 the unit in November of '04, it's almost two years
11 after she had ceased performing any Reserve Duty;
12 correct?

13 A Correct.

14 Q So do you recall that someone triggered with you this
15 task of we need this OPR?

16 A Yes.

17 Q This is an unusually long period after the period of
18 evaluation for the evaluation to be done?

19 A Correct.

20 MR. DIEDERICH: Objection, foundation.

21 Q (By Mr. Lobsenz) Do you know what a normal period is
22 for getting these OPR's done?

23 A They are due on a yearly basis.

24 Q Okay, so if the person's evaluation year is up in
25 April, they are generally due when?

1 **A** Well, we actually turn -- we actually turn in the
2 information to the squadron between 60 and 90 days
3 prior to the close-out period so it's in process for
4 several months prior to the close-out period.

5 **Q** Okay, so do you recall who it was who asked you to do
6 this belated OPR?

7 **A** I -- I believe it was Colonel Moore-Harbert. I do not
8 have an absolute recollection of that.

9 **Q** Do you remember what the explanation was as to why it
10 was needed?

11 **A** Because she had a rating period that -- she had a
12 period that required a rating, but there was no OPR
13 completed for that period.

14 **Q** Okay.

15 **A** As best -- to the best of my knowledge.

16 **Q** Would you say that your overall assessment of Major
17 Witt for the period of this OPR was accurate and fair?

18 **A** Yes, I would.

19 MR. LOBSENZ: I would offer Exhibit No. 4 in
20 evidence at this time.

21 **Q** (By Mr. Lobsenz) Now I would like to ask you again
22 about some specific comments you made in the Box VI for
23 Rater Overall Assessment.

24 **A** Okay.

25 **Q** The second comment you made was, Committed "to

1 continuing squadron cohesion and morale."

2 A Yes.

3 Q And then after that, it says, "First in line to promote
4 barbecue luncheon, softball game."

5 A Yes.

6 Q First question. When you use the term, cohesion or
7 squadron cohesion, what do you mean by that?

8 A Well, we try to bring people together as part of the
9 AirEvac family. They was a period of time where other
10 squadrons were wanting be -- you know, periodically, we
11 try to field a softball team to play other squadrons.
12 She was, as I recall -- again, this is six years ago
13 now -- always ready and willing and able to promote
14 that, getting people together to -- we have a couple of
15 grills at the squadron. We'll fire up a grill and, you
16 know, have a barbecue, throw some burgers or brats on
17 the grill just to get -- you know, and people throw a
18 couple bucks in the pot.

19 As I recall, and we then -- as I recall, she was
20 the driver to get those going periodically. It wasn't
21 like these occurred monthly, but I -- when I wrote
22 this, I must have noted that she was right there
23 promoting this, at least occasionally.

24 Q Okay. After squadron cohesion, you have the words, and
25 morale. I want to ask, I've seen in innumerable places

1 phrases, military phrases, where the term, unit
2 cohesion, is used. Then there is a morale. Then it
3 says unit morale after that. When you use the term,
4 morale, are you using it in this OPR as meaning
5 something different from unit cohesion or is it --

6 **A** **I think it's part of.**

7 **Q** -- part of it, a subset of unit cohesion?

8 **A** **I would -- I would think that.**

9 **Q** Okay. What effect did her efforts have on unit
10 cohesion and morale?

11 **A** **Well, I think always if you can get people together to**
12 **cheer for their squadron members in a softball game and**
13 **they want to play as a unit against another squadron, I**
14 **think that's a positive piece. If you get people who**
15 **want to get together and have a burger and not go out**
16 **for lunch or not stay in their offices and work, but**
17 **rather socialize, at least within the squadron, I think**
18 **that's a positive.**

19 **Q** Okay. I'd like to ask you about the first comment in
20 that box. I'll read that one.

21 Dynamic senior nursing leader recognized by peers
22 for strong character, leadership skills, and knowledge
23 base.

24 Again, my first question is, when you say, "by
25 peers" --

1 **A** **Okay.**

2 **Q** -- who are you referring to now?

3 **A** **Flight nurses.**

4 **Q** Okay, so flight nurses in general recognize her for
5 those things?

6 **A** **That was my impression.**

7 **Q** Okay, and when you say, "dynamic," what do you mean by
8 that?

9 **A** **It's -- to me, it's an action word that says she is a**
10 **little -- that she is above, you know, somebody who**
11 **melds into the background, for instance. So she comes**
12 **forward.**

13 **Q** Mm-hmm?

14 **A** **Without my dictionary to refer to, and I use a**
15 **dictionary, and I use an OPR writing guide, and I use**
16 **multiple sources for -- to try and get the right phrase**
17 **down when you are writing these.**

18 **Q** Okay. The fourth one down says, "Recognized by her
19 peers for her expertise in flight evaluations.
20 Creatively develops realistic scenarios that test and
21 tax the member to perform at their maximum
22 level-scenarios drawn from wartime, real life
23 experience." Back to that word again, peers. Again,
24 recognized by her peers for these things?

25 **A** **Correct.**

1 Q Who are you referring to here as her peers?

2 A Would have been other flight nurses. As Chief of
3 StanEval, she would have been the leading person to
4 give flight evaluations to other flight evaluators as
5 well as other flight nurses.

6 Q Okay. The last bullet you have in there says,
7 "Remarkable leader-exceeds expectations. Achieves the
8 unexpected and seeks out the best in other members."

9 In that assessment, remarkable leader, is that
10 your personal assessment solely, or is it some other
11 assessment of a larger group of people? Is that a
12 clear --

13 A I believe that this reflected upon her ability to give
14 very good flight evaluations and teach people how to
15 improve their ability merely by being the evaluated
16 person. Her evaluations, I know in my case, improved
17 my ability to give flight evaluations.

18 Q Okay.

19 A Beyond that, I can't -- I have no specific recollection
20 of why I used that term.

21 Q Okay. Other than Major Witt, you have had occasion to
22 do overall assessments on OPR's for many other flight
23 nurses; is that correct?

24 A Yes.

25 Q Can you estimate in any way or even in the roughest way

1 over the past ten years how many times you have served
2 as a rater or additional rater for a flight nurse?

3 A Probably right now -- right now, I have one, two,
4 three, probably -- probably on the average of either as
5 rater or additional rater --

6 Q Mm-hmm?

7 A -- 75 to a hundred times, I would guess, over ten
8 years.

9 Q Okay. In your opinion --

10 A And that's a rough guess.

11 Q Mm-hmm. In your opinion, how does she compare to the
12 other flight nurses that you have had occasion to
13 evaluate, as far as is she top ten?

14 A Top ten percent, at least. I -- you know, it's
15 difficult to stratify. I mean, now, we have to
16 stratify. That's come into play in the OPR's in the
17 last year or so to where you have to give a number.

18 Q You mean it's like grading on a fixed curve? You have
19 to give so many A's?

20 A You have got to -- no, you just have to stratify so
21 that the person above can say -- I say, I believe out
22 of ten personnel, this is No. 2 or No. 1. We don't do
23 that. We weren't doing that at this time, but she was
24 certainly an excellent flight nurse.

25 MR. LOBSENZ: Okay. Let's go off the record

1 for just a second.

2 (Recess from 10:40 a.m. to 10:45 a.m.)

3 Q (By Mr. Lobsenz) At some point in the fall of 2004,
4 did you find out in some way that Major Witt had been
5 suspended?

6 A Yes.

7 Q At some point, did you realize she wasn't going to be
8 coming to McChord for Reserve weekend duty any more?

9 A Probably fairly quickly. I don't recall specifically.

10 Q Was there any official explanation given to you or to
11 the unit at large as to why she was no longer coming
12 for the weekend duty?

13 A I don't recall any specific official reason given.

14 Q So was there talk between you and other people as to
15 where she was?

16 A Yes.

17 Q And what was that talk?

18 MR. DIEDERICH: Objection, hearsay.

19 A Apparently, that she was found to have been in a
20 homosexual relationship, and that she was suspended
21 from performing duties.

22 Q (By Mr. Lobsenz) Okay. Do you have any particular
23 memory as to particular individuals that told you this
24 or spoke to you about this?

25 A No.

1 Q Okay, and when you say it was fairly quickly after her
2 not being at the unit any more that you heard this,
3 what do you mean by fairly quickly? Can you quantify
4 that in terms of time with some parameter?

5 A I think that the day that it happened, she was noted --
6 not by me, I did not see her -- to be coming down the
7 hall crying, and that precipitated conversation. And
8 the information basically that she was being suspended
9 or not going to be there became widely known shortly
10 after that.

11 Q Okay. What was your personal reaction to this?

12 A Well, I thought it was a loss of a good flight nurse.

13 Q Okay.

14 A And the concern is that she was outed through -- well,
15 through no -- well, how do I say this? I was concerned
16 about the way she was outed. That apparently, it was
17 from a third party report that she was in a homosexual
18 relationship.

19 Q Okay. You have described your reaction to the fact
20 that she wasn't going to be serving in the U.S. Air
21 Force. What about any reaction to being informed that
22 it's believed she's a lesbian. Did you have a reaction
23 to that?

24 A Not particularly.

25 Q Okay, and why not?

1 **A** I don't -- it wasn't something I particularly was
2 concerned or even cared about. I'm not -- I'm not
3 particularly concerned about someone's sexual
4 orientation.

5 **Q** Okay. At any time over the ten-plus years that you
6 were serving with her in the 446th, did she ever tell
7 you that she was lesbian?

8 **A** No.

9 **Q** At any time, did she ever imply or hint that she was a
10 lesbian?

11 **A** Not so that I noticed.

12 **Q** Okay. Did she, in general, tell you personal things
13 about her life?

14 **A** Not much.

15 **Q** Okay. At any time, did you ever ask her if she was a
16 lesbian?

17 **A** No.

18 **Q** Is there a reason for that?

19 **A** I didn't care. It was not something that I was
20 concerned or wanted to know.

21 **Q** Okay. Have you ever asked any member of the Armed
22 Forces of the United States if he or she was lesbian?

23 **A** No.

24 **Q** Beyond you don't care, is there any other reason why
25 you wouldn't ask that?

1 **A** I don't want to know the answer. If someone tells them
2 one -- well, let me step back. My understanding about
3 Don't ask/Don't tell is I don't ask.

4 **Q** Prior to learning about her suspension in fall of '04,
5 had you ever given any thought to the question of
6 whether she was straight or lesbian?

7 **A** Not substantive. Not that I can -- I have no
8 recollection of ever having spent any time thinking
9 about it.

10 **Q** And after you found out that she was lesbian, did you
11 spend any time thinking about it then?

12 **A** Not particularly.

13 **Q** Okay. Is it still a non-issue to you?

14 **A** Correct.

15 **Q** Prior to her suspension, did you enjoy working with
16 Major Witt?

17 **A** Yes.

18 **Q** Do you have an opinion as to whether or not other
19 members of the unit in general enjoyed working with
20 her?

21 MR. DIEDERICH: Objection. Foundation,
22 speculation.

23 **A** I would say, in general.

24 **Q** (By Mr. Lobsenz) First, it's just yes or no. Just do
25 you have an opinion?

1 **A** **Do I have an opinion?**

2 **Q** As to whether people in general enjoyed --

3 **A** **Yes.**

4 **Q** Okay. What do you base that opinion on?

5 **A** **People's remarks.**

6 **Q** Okay, and what was that?

7 **A** **Generally favorable.**

8 MR. DIEDERICH: Objection. It's still opinion.

9 Now it's based on hearsay.

10 **A** **Generally favorable or favorable as far as I know.**

11 I've never heard any -- I am unaware; I have no
12 recollection of hearing any unfavorable remarks about
13 Major Witt related to flight nursing or her sexual
14 orientation.

15 **Q** (By Mr. Lobsenz) Okay. I'll ask you a number of
16 questions about that in a minute. But here, let's just
17 focus on you alone for a minute. After learning that
18 she was a lesbian, did that in any way affect your
19 willingness or desire to work with her?

20 **A** **No.**

21 **Q** After hearing that she was a lesbian, did that affect
22 in any way your opinion as to her efficiency as a
23 flight nurse?

24 **A** **No.**

25 **Q** After hearing that she was lesbian, did it affect in

1 any way your opinion that she is a valuable asset to
2 the Air Force?

3 **A No.**

4 **Q** Did you discuss her separation, then, with other
5 members of the 446th?

6 **A I'm sure I did.**

7 **Q** Okay. Yes or no --

8 **A Yes.**

9 **Q** Yes or no, did they express to you --

10 **A Oops.**

11 **Q** -- what their reaction was to their learning that she
12 was being separated for homosexual conduct? Yes or no,
13 did they tell you what their reaction was?

14 **A Yes. In a general feeling, yes.**

15 **Q** Okay.

16 **A Without specifics to draw from.**

17 **Q** Okay, and what did they say?

18 MR. DIEDERICH: Objection, hearsay.

19 **A In general, I don't recall ever hearing negative**
20 **remarks about Major Witt as far as her being an officer**
21 **in the Air Force or a flight nurse.**

22 **Q** (By Mr. Lobsenz) Okay. I'm going to ask you a lot of
23 questions on that subject in a way, but I'm going to
24 divide it up into all sorts of different slices. Some
25 time slices. First of all, focusing on the period of

1 time from wherever you first met Major Witt in the
2 446th, somewhere in the nineties --

3 **A Okay.**

4 Q -- all the way up to the day that you learned that she
5 was suspended in November of 2004, during that block of
6 time, had you ever heard anyone in the 446th make any
7 negative comment about Major Witt?

8 MR. DIEDERICH: Objection, hearsay.

9 **A I have no recollection of hearing negative comments.**

10 Q (By Mr. Lobsenz) Had you ever heard anyone in that
11 period of time in the 446th ever make a complaint about
12 her?

13 **A I have no recollection of ever hearing complaints.**

14 Q Now, if I give you a different block of time, the block
15 of time from the time that she was suspended in
16 November of 2004 until the time she filed this lawsuit,
17 which was in April of 2006, in roughly that block of
18 time, did you ever hear anyone in the 446th say they
19 did not want Major Witt to return to the 446th?

20 MR. DIEDERICH: Objection, hearsay.

21 **A No recollection of ever hearing anybody say that.**

22 Q (By Mr. Lobsenz) During that period of time, did you
23 ever hear anyone make a negative comment of any kind
24 about Major Witt? Anyone within the 446th.

25 MR. DIEDERICH: Same objection.

1 **A** **I have no recollection of hearing that.**

2 Q (By Mr. Lobsenz) Okay, and now a third block of time,
3 which is after she filed the lawsuit. Let me ask you,
4 first of all, after she filed the lawsuit, was there
5 more talk in the unit about her, at least in the
6 immediate aftermath of her filing a lawsuit?

7 **A** **In fact, so much time had passed that a number of the**
8 **newer people were unaware of the lawsuit.**

9 Q Okay. When the lawsuit was filed, did that trigger
10 inquiries from the newer people?

11 **A** **In the most general way.**

12 Q So was there any kind of resurgence of Major Witt being
13 a topic of discussion around the time she filed the
14 lawsuit?

15 MR. DIEDERICH: Objection, vague.

16 **A** **I don't recall that being an issue in 2006. That's**
17 **when we're talking about; correct?**

18 Q (By Mr. Lobsenz) Well, good point. I'm going to ask
19 you now about from the time that she filed the lawsuit
20 in April of 2006 until today.

21 **A** **Okay.**

22 Q Is there any period of time in there where she again
23 became a subject of conversation?

24 **A** **There was a time during a meeting of the squadron**
25 **called Commander's Call when everyone comes together**

1 for remarks that there was information brought forth
2 that the lawsuit was going forth, and members were
3 going to be called to testify and to be involved in
4 this lawsuit. And in fact, partway through that
5 because it was so vaguely worded in Commander's Call, I
6 actually raised my hand and told the Commander and the
7 personnel that were up front that I thought many
8 members had no idea what they were talking about. And
9 indeed, many did not so they had to explain what they
10 were talking about.

11 Q At That time, what did they explain?

12 MR. DIEDERICH: Objection, hearsay.

13 A That Major Witt was -- had filed a lawsuit regarding --
14 regarding Don't ask/Don't tell and her dismissal from
15 the Air Force.

16 Q (By Mr. Lobsenz) And at that Commander's --

17 A To the best of my recollection.

18 Q Um-hum?

19 A I don't recall the exact words, or that was the
20 generalization of the remarks.

21 Q At that Commander's Call, did you hear anybody in the
22 unit say anything negative about Major Witt?

23 MR. DIEDERICH: Objection, hearsay.

24 A No.

25 Q (By Mr. Lobsenz) At that Commander's Call, did you hear

1 anyone saying they did not want Commander Witt
2 returning to the unit?

3 **A No.**

4 MR. DIEDEICH: Objection, hearsay.

5 **A No.**

6 Q (By Mr. Lobsenz) So now taking this large block of time
7 from the time she filed her lawsuit from April 12,
8 2006, until today --

9 **A Okay.**

10 Q -- within that large block of time, have you ever heard
11 anyone in the 446th say anything negative about Major
12 Witt?

13 MR. DIEDERICH: Same objection.

14 **A Not about Major Witt.**

15 Q (By Mr. Lobsenz) Okay. So far, all those questions
16 have been about the 446th.

17 **A Okay.**

18 Q They have been about the 446th and specifically about
19 Major Witt.

20 **A Okay.**

21 Q Now I'm going to change the question slightly to still
22 the 446th, but not whether you have heard comments
23 about Major Witt, but more broadly, have you ever heard
24 negative comments about gays and lesbians from anyone
25 in the 446th. So the question now is, you have been in

1 the 446th since 1994; correct?

2 **A Correct.**

3 Q So from 1994 to the present, have you ever heard any
4 member of the 446th make a negative comment about gays
5 or lesbians in general?

6 MR. DIEDERICH: Objection, hearsay.

7 **A I have no recollection of that.**

8 Q (By Mr. Lobsenz) Have you ever heard anyone in the
9 446th in any of the time you have been with the
10 squadron say they don't want to serve with someone who
11 is gay or lesbian?

12 MR. DIEDERICH: Same objection.

13 **A No recollection of ever hearing that comment.**

14 Q (By Mr. Lobsenz) Okay. Now I'm going to broaden the
15 question again for a moment, but you've testified that
16 you've been deployed, I think it's four times?

17 **A Yes.**

18 Q And during those deployments, you are attached to other
19 units?

20 **A Correct.**

21 Q And one of those units, I think you said, was from --
22 one was from Ramstein --

23 **A Well, they are all expeditionary. They are all**
24 **expeditionary units so they are -- it's a structure**
25 **that's set up for the expeditionary nature of the**

1 **squadron.**

2 Q During any of those deployments, would you work with
3 people from the armed services of any other countries?

4 **A Not directly.**

5 Q Okay. So now I want to ask about the deployments.
6 Somewhat similar question. During any of your
7 deployments overseas, have you ever heard any service
8 member, regardless of what unit they were from, have
9 you ever heard any service member make a comment about
10 not wanting to serve with gays or lesbians?

11 MR. DIEDERICH: Objection, hearsay.

12 **A No recollection.**

13 Q (By Mr. Lobsenz) Okay. I guess the broadest question
14 of all I have now is you have a total of 23 years
15 service for two different services, starting in 1975
16 with this gap from '78 to '90; right?

17 **A Correct.**

18 Q In your entire military career in both services, have
19 you ever heard that you can recall a service member
20 saying that they don't want to serve with gay or
21 lesbian?

22 MR. DIEDERICH: Same objection.

23 **A I have no specific recollections of ever hearing that.**
24 **Granted, in fact, we're covering 35 years now.**

25 Q (By Mr. Lobsenz) Right.

1 **A** **So . . .**

2 **Q** Okay. Now, have you had occasion to learn that someone
3 other than Major Witt who was previously a member of
4 the 446th, but is no longer in the service at all was,
5 in fact, a lesbian?

6 **A** **Yes.**

7 MR. DIEDERICH: Objection. Sorry. I didn't
8 finish making the objection before he did the answer.
9 I'm happy to fill it out, or we can just move on if you
10 want.

11 **Q** (By Mr. Lobsenz) How many times have you had that
12 experience?

13 **A** **I am aware of two personnel.**

14 **Q** And who are those two people?

15 MR. DIEDERICH: Objection, relevance.

16 **A** **Lisa Chesa.**

17 **Q** (By Mr. Lobsenz) Starting with Lisa Chesa, what was
18 her position within the 446th?

19 **A** **She was a medical technician.**

20 **Q** So she was not an officer?

21 **A** **Correct.**

22 **Q** How many years, do you think, did you and she both
23 serve in the 446th?

24 **A** **Well, I recall late nineties, probably, and again,**
25 **very, very vague on the dates. Late nineties until her**

1 retirement, I believe. I believe she retired.

2 Q When is it, roughly, that you think she retired?

3 A I'm going to say at least three or four years ago.

4 Q Okay.

5 A Do you know?

6 Q I'm sure I have it written down somewhere, but I don't
7 know.

8 A Okay.

9 Q So during the period of time that you served with her,
10 and she was in the 446th --

11 A Mm-hmm.

12 Q -- did you ever have any inkling that she was lesbian?

13 A None.

14 Q Okay. Did she ever hint or say or do anything that
15 gave any suggestion or implication to you that she was
16 a lesbian?

17 A No.

18 Q After she left the service, how did you find out?

19 A She would return to squadron functions with her female
20 significant other.

21 Q Okay, and how was that significant other introduced
22 there?

23 A Her significant other.

24 Q Okay.

25 A To the best of my recollection.

1 Q What types of functions were those?

2 A Oh, retirements.

3 Q Retirement ceremonies for people?

4 A Or the after parties. Ceremonies or after parties.

5 Q Okay.

6 A I don't -- I don't recall any -- annual picnics, for
7 instance, she would show up at.

8 Q At any of those events, those retirement ceremonies,
9 picnics, whatever they were, after parties, did you
10 observe personally any member of the 446th to express
11 any reluctance to be around Lisa Chesa or her
12 significant other?

13 A I did not.

14 Q Did you hear any member of the 446th express any
15 negative comment about Lisa Chesa having served as a
16 lesbian in the 446th?

17 MR. DIEDERICH: Objection, hearsay.

18 A I did not.

19 Q (By Mr. Lobsenz) Did you observe any behavior that
20 would indicate discomfort on the part of anybody?

21 A I did not.

22 Q She came with her partner; is that right?

23 A Yes.

24 Q Did she and her partner bring a baby --

25 A They do have a child now.

1 Q -- to any of those? Did you ever see that baby at any
2 of those retirement ceremonies?

3 A Or functions, yes.

4 Q Now, there was one other person that you found out was
5 a lesbian?

6 MR. DIEDERICH: Objection, speculation,
7 foundation.

8 A I understand Sgt. Amy Romanas.

9 Q (By Mr. Lobsenz) Okay, and --

10 A And that's only hearsay.

11 Q Who has told you that, if you know?

12 A I don't recall a specific person telling me that.

13 Q Okay, so you have had personal contact face-to-face
14 with Lisa Chesa since she left the service; correct?

15 A Yes.

16 Q And she has acknowledged to you personally that she is
17 a lesbian?

18 A Yes. Well, she has not said, I'm a lesbian, but she
19 has introduced her significant other to me as her
20 significant other.

21 Q And you have drawn your own conclusion that she is a
22 lesbian?

23 A Yes.

24 Q And you haven't had any direct face-to-face contact
25 with Amy Romanas since she left?

1 **A Correct.**

2 Q During the time that Amy Romanas was in the 446, did
3 you ever have a clue that she was lesbian?

4 **A No.**

5 Q Did she ever suggest, imply, hint or do anything in any
6 way that led you to speculate she might be lesbian?

7 **A No. In fact, I have no absolute knowledge at this time
8 that she is. Just what I heard.**

9 Q Just what you have heard from others?

10 **A Correct.**

11 Q Do you have an opinion as to whether or not unit
12 cohesion of the 446th would be affected if Major Witt
13 were to be reinstated in the Air Force and returned to
14 position in the 446?

15 MR. DIEDERICH: Objection, improper testimony.

16 Q (By Mr. Lobsenz) First, it's just, do you have an
17 opinion?

18 **A I have an opinion, yes.**

19 Q What is that opinion?

20 MR. DIEDERICH: Same objection.

21 **A That it would not negatively affect the squadron.**

22 Q (By Mr. Lobsenz) Okay, and what do you base that
23 opinion on?

24 MR. DIEDERICH: Same objection.

25 **A It's my impression of her abilities as an officer and**

1 the feeling that the discussions that other squadron
2 members have had that they don't have any concern about
3 serving with Major Witt. There is a general -- when
4 the -- when the recent -- relatively recent topics of
5 repealing Don't ask/Don't tell as is a stated goal of
6 the Commander in Chief and when the discussions by
7 Admiral Mullen, the Chairman of the Joint Chiefs, and
8 the other chair -- the other members of the military
9 hierarchy, as well as the most recent, I believe, Air
10 Force Times, the discussion of the Senior NCO chain in
11 the Air Force discussing the repeal of Don't ask/Don't
12 tell, I don't hear anyone -- I have not personally
13 heard anyone make negative comments about that.

14 Q Okay.

15 A Me, personally.

16 MR. LOBSENZ: I don't have any further
17 questions. I'm sure Mr. Diederich has some.

18 THE WITNESS: Really?

19 MR. DIEDERICH: I do, sir. I'm sorry.

20 THE WITNESS: Okay.

21

22

23

24

25

1 CROSS EXAMINATION

2 BY MR. DIEDERICH:

3 Q If it's any consolation, I will try to be brief so that
4 you can get on your way. Let me start by asking if you
5 could look at Exhibit 4, which I think Mr. Lobsenz has
6 handed to you before.

7 A Yes.

8 Q I'm going to ask you to turn to the second page.

9 A Yes.

10 Q Down at the bottom right-hand corner, it says,
11 AF001362. Do you see that? Kind of small print down
12 in the bottom right-hand corner?

13 A Bottom right. 00 --

14 Q Right-hand corner, sir.

15 A Oh, yes, I do.

16 Q Okay, terrific. I just want to make sure we're on the
17 same page, literally and figuratively.

18 A 1362.

19 Q If you go up to the top of that page, sir, in the rater
20 overall assessment block --

21 A Yes.

22 Q -- the third line down --

23 A Yes.

24 Q -- there is a line that says, "Excellent role model of
25 professional military officership."

1 **A** **Correct.**

2 **Q** Do you see that phrase?

3 **A** **Yes, I did.**

4 **Q** What does the phrase, officership, mean?

5 **A** **Someone that comports themselves as an officer, proper**
6 **customs and courtesies, proper wear of uniform,**
7 **military bearing.**

8 **Q** Is it fair to say that when writing this rating, you
9 expected officers to basically conduct themselves
10 generally in accordance with the concept of
11 officership?

12 **A** **Yes.**

13 **Q** And is officership a standard that applies only to
14 officers as opposed to, say, enlisted people?

15 **A** **I don't know that I've ever reflected upon that.**

16 **Q** Okay.

17 **A** **In my opinion, I guess the only thing I can offer is an**
18 **opinion and that there is a -- in this aspect, I'm**
19 **referring to officers.**

20 **Q** Well, you, personally, sir, do you expect more of
21 officers than you do of enlisted folk?

22 **A** **Difficult concept. It changes with rank. In other**
23 **words, I have different expectations of a Senior NCO**
24 **than I do of a Junior NCO. I have different**
25 **expectations of a Senior Officer than do I of a Junior**

1 **Officer in the most vague, general way.**

2 Q Okay. Let me ask you for a second, I want to make sure
3 I've got your current task title correct.

4 A **Correct.**

5 Q I think, earlier, you were talking about the concept of
6 a Flight Commander.

7 A **It's a term used within a squadron. It's -- if I could**
8 **think of a civilian term, I would -- it would be the**
9 **department chair in a university, for instance.**

10 Q And in your experience as Flight Commander, do you
11 exercise supervisory responsibility over other people?

12 A **Mm-hmm.**

13 Q Do you -- in your experience, do people look to a
14 Flight Commander for guidance on what to do?

15 A **Mm-hmm. Yes. Sorry.**

16 Q I'm sorry. I should have reminded of you of that as
17 well, sir. I apologize. Am I correct that in 2004,
18 Major Witt was a Flight Commander?

19 A **She was the Chief of Standards and Evaluation, Chief of**
20 **StanEval.**

21 Q Does that position carry with it a Flight Commander
22 status?

23 A **It is, yes.**

24 Q Okay.

25 A **I would say yes. It's a senior leader --**

1 Q Okay. So --

2 A -- within the squadron.

3 MR. DIEDERICH: Let me just mark an exhibit to
4 clarify this a little bit. Let's mark this as an
5 exhibit.

6 (Exhibit No. 5 marked.)

7 Q (By Mr. Diederich) All right. For the record, what
8 I've marked as Exhibit 5 is a document bearing the
9 Bates Nos. WITT-000623 through 000628. I would ask you
10 to turn to that document and look at these little
11 numbers that lawyers love in the lower right-hand
12 corner.

13 A Yes.

14 Q There is a Page 0626.

15 A I am there.

16 Q If you look at the top of that page, there is a
17 reference there, and I'll just read it for the record.
18 It says, "Flight Commander: Major Witt. You see that?

19 A Yes.

20 Q Is that consistent with your understanding of her
21 position in 2004?

22 A Yes.

23 Q Okay. Now, looking back, and I'm sorry to make you
24 flip between documents, but if you can go back to
25 Exhibit 4 again, sir.

1 **A** **All right.**

2 Q Looking again at the page that bears the Bates No.
3 AF001326, which is the second page of that document --

4 **A** **Got it.**

5 Q You there, sir?

6 **A** **Yes, I am.**

7 Q Excellent. I want to go back to a conversation you
8 were having with Mr. Lobsenz. When you say that Major
9 Witt was recognized by her peers for her expertise,
10 that's the fourth bullet?

11 **A** **Okay.**

12 Q Am I right that that's your impression, sir?

13 **A** **That is my impression.**

14 Q Did you survey the unit members to obtain that
15 information?

16 **A** **I did no formal survey.**

17 Q Okay. Did you speak to people?

18 **A** **I'm sure I had general conversations that I don't**
19 **particularly recall.**

20 Q Okay. The first line where it says, "Recognized by
21 peers for strong character," do you see that at the top
22 of the document, sir?

23 **A** **Yes.**

24 Q Again, did you survey the unit to reach that
25 impression?

1 **A** This would have been my impression from -- at this
2 point in time. By July of '06, there had been some
3 retirements and things where she had been noted by
4 others to be a positive person within the squadron, and
5 my best guess is that that's where that comes from.

6 **Q** Okay. Now, I think you may have already said this, but
7 is there about 120 people in the 446 AES?

8 **A** Roughly, at that time.

9 **Q** Okay, and when you say, "at that time," do you mean
10 2004 or 2006?

11 **A** We started increasing our numbers somewhere around 2006
12 so I'm not exactly sure.

13 **Q** How many people are there today?

14 **A** Just under 150, I believe, right now.

15 **Q** In your experience, how much turnover is there?

16 **A** Certainly far less than any Active Duty unit which
17 turns over every couple of years. I would say that --
18 boy, I would be hard-pressed to put a number on it.
19 Best wag, less than ten percent a year. Less than ten
20 percent a year, I would say, and that's a best guess.

21 **Q** All right. Mr. Lobsenz asked you a series of questions
22 about what you had heard from other folks about their
23 view about Major Witt.

24 **A** Mm-hmm.

25 **Q** Did you ever go out and sort of actively ask people for

1 their opinions on serving with Major Witt?

2 **A No, not that I recall.**

3 Q Do you know how many people you spoke to about the
4 prospect of serving with Major Witt after she had been
5 discharged or after she had been separated from the 446
6 AES?

7 **A In larger gatherings, there might be ten or 15 people**
8 **in a group as part of a discussion.**

9 Q Now, speaking about Miss Chesa, what was her rank, sir,
10 when she retired?

11 **A I think she was a Technical Sergeant. I'm not sure if**
12 **she was a Technical Sergeant or Master Sergeant. Just**
13 **don't know.**

14 Q At the risk of offending people, I'm just going to call
15 her Sgt. Chesa.

16 **A That's appropriate.**

17 Q I just want to give her her appropriate title.

18 **A Sure.**

19 Q Am I correct that when you served with Sgt. Chesa, you
20 were not aware --

21 **A Correct.**

22 Q -- that she was a lesbian?

23 **A Correct.**

24 Q Were you aware whether anyone else in the unit was
25 aware that Sgt. Chesa was a lesbian?

1 **A** **I was not aware that anyone else was aware.**

2 **Q** What is your understanding of why Major Witt was
3 discharged?

4 **A** **Can you clarify the question, please?**

5 **Q** Sure. I can ask it a different way. In response to
6 Mr. Lobsenz, you said you had understood that Major
7 Witt had been discovered to be engaged in a lesbian
8 relationship.

9 **A** **Yes.**

10 **Q** Do you recall that testimony?

11 **A** **Yes.**

12 **Q** Okay. Do you know anything about the nature of the
13 relationship in which Major Witt engaged besides the
14 fact that it was a lesbian relationship?

15 **A** **Mr. Lobsenz told me about that. I was unaware of any**
16 **specifics.**

17 **Q** When you said Mr. Lobsenz told you about that, is that
18 recently or in the past?

19 **A** **Recently in a telephone conversation.**

20 **Q** What did Mr. Lobsenz tell you about this relationship?

21 **A** **That the person with whom she became involved was**
22 **married to a man and then met Major Witt, decided that**
23 **that was where -- who she wanted to be with, and that**
24 **her husband -- ex-husband sent an e-mail to the -- I**
25 **believe it was the Chairman of the -- or General**

1 Jumper, the Air Force Chief of Staff I believe at the
2 time, about this, and that he sent inquiries down the
3 line from his office to investigate this or to look
4 into it. I don't know that investigate is the correct
5 word.

6 Q Have you ever heard of the Uniform Code of Military
7 Justice?

8 A Yes.

9 Q Are you familiar with its contents in a general way?

10 A In a general way.

11 Q Do you know, sir, whether the UCMJ touches upon the
12 subjects of adultery?

13 MR. LOBSENZ: Objection. Beyond the scope of
14 direct.

15 A I believe it does, yes. It certainly has been in the
16 news recently.

17 Q (By Mr. Diederich) We were talking earlier about the
18 concept of officership. Is engaging in adultery in
19 your view consistent with the standard of officership?

20 MR. LOBSENZ: Objection. Beyond the scope of
21 direct, and just to make it easier, would you
22 understand, if the judge was here, I would ask for a
23 continuing objection so I don't have to keep
24 interrupting you.

25 MR. DIEDERICH: That's fine. I appreciate

1 that.

2 MR. LOBSENZ: Okay.

3 **A** **My understanding is that it's against the Uniform Code**
4 **of Military Justice. I'll stop there.**

5 **Q** **(By Mr. Diederich) Okay, so you don't have an opinion**
6 **about whether --**

7 **A** **What was the --**

8 **Q** **Okay. Let me re-ask it.**

9 **A** **Okay.**

10 **Q** **Do you have a view, sir -- we were talking earlier**
11 **about the concept of officership.**

12 **A** **Mm-hmm.**

13 **Q** **The question is, do you have a view as to whether**
14 **committing adultery is consistent with the concept of**
15 **officership?**

16 **A** **I think it is inconsistent, but I would also term it**
17 **recoverable in a manner of speaking just because people**
18 **make errors, errors in judgment, and it depends upon**
19 **how they react following that error in judgment.**

20 **Q** **Okay. When was the last time you spoke to Major Witt?**

21 **A** **I don't have a clear recollection, but I believe it's**
22 **been over a year at least.**

23 **Q** **Okay.**

24 **A** **Hold on. She was -- I'm trying to remember. I think**
25 **it was at least a year. She was back for some**

1 retirement ceremony, and I just -- I don't think it was
2 this summer or spring. I believe it was last year.

3 Q Okay.

4 A Sorry. I just don't have a good recall on that.

5 Q That's fine.

6 MR. DIEDERICH: I think that's all I have.

7 MR. LOBSENZ: Then if you will give me just a
8 minute.

9 Colonel, I have no further questions, and I
10 just want to say good luck to you on your deployment
11 and come home safe.

12 MR. DIEDERICH: There are many things that Mr.
13 Lobsenz and I disagree on, but I think that is one
14 thing that we 100 percent agree on, sir.

15 THE WITNESS: Thank you.

16

17

18 (Adjourned at 11:25 a.m.)

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1 C E R T I F I C A T E

2 STATE OF WASHINGTON)

3 COUNTY OF KING)

4 I, Susan Cookman, CSR,

5 do hereby certify:

6 That the foregoing deposition, transcription
7 of which is hereto attached, was given before me at the time
8 and place stated therein; that the witness, before
9 examination, was duly sworn to testify the truth, the whole
10 truth and nothing but the truth; that the testimony given by
11 the witness was by me stenographically recorded and later
12 transcribed under my personal supervision;

13 That the foregoing transcript contains a full
14 and accurate record of all the testimony and proceedings
15 given at the time and place of said testimony to
16 the best of my ability.

17 I do further testify that I am not related to
18 any party to the matter, nor to any of counsel, nor do I
19 have any interest in the matter.

20 WITNESS my hand and seal this 2nd
21 day of September, 2010.

22

23

24

25

SUSAN COOKMAN, CSR #COOKMSA495Q4